

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Max AEBI et al.

Confirmation No.: 7179

Serial No.: 09/879,911

Art Unit: 3731

Filed: June 14, 2001

Examiner: D.O. Reip

For: SPINAL DISC SPACE
DISTRACTOR

Attorney Docket No.: 8932-471

INFORMATION DISCLOSURE STATEMENT

RECEIVED

OCT 31 2003

TECHNOLOGY CENTER R3700

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

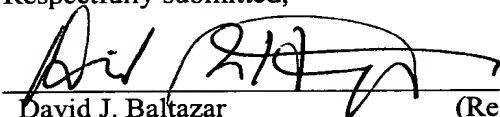
Pursuant to Applicants' duty of disclosure under 37 C.F.R. §§ 1.97, 1.98, enclosed is a Form PTO-1449, which lists 2 references in reverse chronological order. Applicants hereby invite the Examiner's attention to the references listed on the enclosed Form PTO-1449. Copies of the references are also enclosed.

It is respectfully requested that these references be made of record in this application by the Examiner's completion and return of the Form PTO-1449.

A fee of \$180.00 is believed to be due for this submission, as it is being submitted after the mailing of a first Office Action, but before a final Office Action or Notice of Allowance. Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. If any additional fee is required, please also charge such fee to Pennie & Edmonds Deposit Account No. 16-1150. A copy of this paper is enclosed.

Respectfully submitted,

Date: October 27, 2003



David J. Baltazar (Reg. No. 53,964)
For: Brian M. Rothery (Reg. No. 35,340)
PENNIE & EDMONDS LLP
1667 K Street, N.W.
Washington, D.C. 20006
(202) 496-4400

Enclosures

10/29/2003 RAD0F01 00000086 161150 09879911

01 FC:1806 180.00 DA